

**CHAPTER 75-03-09**  
**GROUP CHILD CARE EARLY CHILDHOOD SERVICES**

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**75-03-09-01. Purpose.** The purpose of this chapter is to establish minimum standards of group child care and to assure that those standards are maintained.

**History:** Effective December 1, 1981; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01

**75-03-09-02. Authority and objective.** Pursuant to North Dakota Century Code section 50-11.1-08, the department may prescribe and promulgate such rules

as are necessary to carry out the provisions of North Dakota Century code chapter 50-11.1.

**History:** Effective December 1, 1981; amended effective January 1, 1987; January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01

**75-03-09-03. Definitions.** As used in this chapter:

1. "Attendance" means the total number of children present at any one time at the group child care home or facility.
2. "Caregiver" means any individual whose prime responsibility is the provision of direct care, supervision, and guidance to children in a group child care home or facility under the guidance and supervision of the group child care operator.
3. "County agency" means the county social service board in the county where the group child care home or facility is located.
4. "Department" means the department of human services.
5. "Emergency designee" means an individual designated by the group child care operator to be a backup caregiver for emergency assistance or to provide substitute care.
6. "Group child care home or facility" means a child care facility where early childhood services are provided for eight through eighteen children or a facility, other than an occupied private residence, which serves fewer than eight children.
7. "Group child care operator" means the individual or group who has the legal responsibility and the administrative authority for the operation of a group child care home or facility. The group child care operator is the applicant for license or the licensee under this chapter.
8. "Group child care supervisor" means an individual responsible for overseeing the day-to-day operation of a group child care program.
9. "Operator" means group child care operator.
10. "Staff member" means operator, substitute staff, volunteer, caregiver, or any other individual whose prime responsibility is the provision of direct care, supervision, and guidance to children in the group child care home or facility.
11. "Substitute staff" means paid or unpaid staff who work less than thirty-two hours per month.

12. "Volunteer" means an individual who visits or provides an unpaid service or visit, including a fireperson for fire safety week, McGruff, or Santa Claus person.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-02

#### **75-03-09-04. Effect of licensing and display of license.**

1. The issuance of a license to operate a group child care home or facility is evidence of compliance with the standards contained in this chapter and North Dakota Century Code chapter 50-11.1 at the time of licensure.
2. The current license must be displayed in the premises to which it applies.

**History:** Effective December 1, 1981; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-03

#### **75-03-09-05. Denial or revocation of license.**

1. A license may be denied or revoked under the terms and conditions of North Dakota Century Code sections 50-11.1-04, 50-11.1-09, and 50-11.1-10.
2. If an action to revoke a license is appealed, the licenseholder may continue the operation of the group child care home or facility pending the final administrative determination or until the license expires, whichever occurs first; provided, however, that this subsection does not limit the actions the department may take pursuant to North Dakota Century Code section 50-11.1-12.
3. The department may revoke a license to operate a group child care home or facility without first issuing a correction order if continued operation would jeopardize the health and safety of the children present or violate North Dakota Century Code section 50-11.1-09.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-09, 50-11.1-10

#### **75-03-09-06. Provisional license.**

1. The director of a regional human service center, in the director's discretion, or the director's designee, may issue a provisional license for the operation of a newly opened group child care home or facility or for a previously licensed group child care home or facility although the group child care home or facility fails to comply with all applicable standards and rules of the department.
2. A provisional license must:
  - a. Prominently state that the group child care home or facility has failed to comply with all applicable standards and rules of the department;
  - b. State that the items of noncompliance are set forth on a document available upon request made to the group child care operator;
  - c. Expire at a set date, not to exceed six months from the date of issuance; and
  - d. Be exchanged for an unrestricted license, which bears the same date of issuance as the provisional license, upon demonstrating compliance, satisfactory to the department, with all applicable standards and rules.
3. A provisional license may be issued only to an applicant who has waived, in writing:
  - a. The right to a written statement of charges as to the reasons for the denial of an unrestricted license; and
  - b. The right to an administrative hearing, in the manner provided in North Dakota Century Code chapter 28-32, concerning the nonissuance of an unrestricted license, either at the time of application or during the period of operation under a provisional license.
4. Any provisional license issued must be accompanied by a written statement of violations signed by the regional director of the human service center or the regional director's designee and acknowledged in writing by the operator.
5. Subject to the exceptions contained in this section, a provisional license entitles the holder to all rights and privileges afforded the holder of an unrestricted license.
6. The department shall not issue a provisional license if the facility is not in compliance with section 75-03-09-17 or 75-03-09-18.

7. The operator shall prominently display the provisional license.
8. The operator shall provide parents notice that the facility is operating on aprovisional license and the basis for the provisional license.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-07, 50-11.1-07.2, 50-11.1-08

**75-03-09-07. Application for and nontransferability of group child care license.**

1. An application for license must be submitted to the county agency in the county in which the facility is located. Application must be made in the form and manner prescribed by the department.
2. The license is nontransferable and valid only on the premises indicated on the license. A new application for a license must be filed by a licensed group child care home or facility upon change of group child care provider or location.

**History:** Effective December 1, 1981; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-03, 50-11.1-04

**75-03-09-08. Duties of group child care operator.**

1. The operator of a group child care home or facility is responsible to the department for compliance with requirements set forth in the standards and North Dakota Century Code chapter 50-11.1. In meeting this responsibility, the operator shall ensure:
  - a. Establishment of the child care program;
  - b. An application is made for a license for each group child care home or facility operated;
  - c. Creation of an outline of a written plan and policies for the operation of each group child care home or facility;
  - d. Notification is provided to the county agency of any major changes in the operation or in the ownership or governing body of the group child care home or facility and of any staff or caregiver changes;

- e. Maintenance of required enrollment, attendance, health, and related records;
- f. Responsibility for all group child care home or facility staff, volunteers, or others who provide services in the home or facility and for having an emergency designee for backup emergency assistance;
- g. Maintenance of necessary information to verify staff qualifications and to ensure safe care for the children in the group child care home or facility;
- h. That the group child care home or facility is sufficiently staffed at all times to meet the child and staff ratios for children in attendance and that no more children than the licensed capacity are served at any one time;
- i. That preadmission visits for children and their parents are offered in order that the facility's program, fees, operating policies, and procedures can be viewed and discussed, including:
  - (1) An explanation of how accidents and illnesses may be dealt with; and
  - (2) Methods of discipline and developmentally appropriate guidance techniques to be used.
- j. Within ninety days of the date of initial licensure or relicensure there are in place written agreements with the parents of each child that specify the fees to be paid, methods of payment, and policies regarding delinquency of fees;
- k. Parents are provided, upon request, any progress reports on their children, and unlimited opportunities to observe their children while in care, however, providing unlimited access does not prohibit a group child care home or facility from locking its doors while children are in care;
- l. Parents are provided the name of the group child care home or facility's operator, the group child care supervisor, and the emergency designee;
- m. The reporting of any suspected child abuse or neglect as required by North Dakota Century Code chapter 50-25.1 and within ninety days from the date of initial licensure or relicensure the development of a written policy for staff to handle this reporting;

- n. The development of and compliance with a procedure for accountability when a normally unaccompanied child fails to arrive for the program; and
  - o. There is, at all times when children are receiving care, a staff member on duty who meets current certification requirements in basic cardiopulmonary resuscitation by the American heart association, American red cross, or other similar cardiopulmonary resuscitation training programs and in a first-aid program approved by the department. Substitute staff are exempt from this requirement.
- 2. If the operator of the group child care home or facility is also the group child care supervisor, the operator shall also meet the qualifications of the supervisor in section 75-03-09-10.
  - 3. The operator of a facility shall report within twenty-four hours to the county director or the county director's designee a death or serious accident or illness requiring hospitalization of a child while in the care of the facility or attributable to care received in the facility.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04

#### **75-03-09-09. Staffing requirements.**

- 1. The number of staff members and their use shall reflect program requirements, individual differences in the needs of the children enrolled, and shall permit flexible groupings, if necessary.
- 2. The minimum ratio of caregivers or program staff to children in group child care must be:
  - a. If all children in care are children less than twenty-four months of age, one staff member may care for four children, a ratio of .25 in decimal form;
  - b. If all children in care are children twenty-four months of age to thirty-six months of age, one staff member may care for five children, a ratio of .20 in decimal form;
  - c. If all children in care are children thirty-six months of age to four years of age, one staff member may care for seven children, a ratio of .142 in decimal form;

- d. If all children in care are children four years of age to five years of age, one staff member may care for ten children, a ratio of .10 in decimal form;
  - e. If all children in care are children five years of age to six years of age, one staff member may care for twelve children, a ratio of .08 in decimal form;
  - f. If all children in care are children six to twelve years of age, one staff member may care for eighteen children, a ratio of .05 in decimal form; and
9. If children in care are of mixed age categories, the staff to child ratio is calculated in accordance with subsection 6.
- 3. The operator of a group child care home or facility shall ensure that the facility is sufficiently staffed at all times to meet the child and staff ratios for children in attendance, and that no more children than the licensed capacity are served at one time.
  - 4. If a child in care has a disabling condition which requires more than usual care, the child's developmental age level must be used in determining the number of children for which care can be provided.
  - 5. Children with special conditions requiring more than usual care and supervision shall have adequate care and supervision provided to them without adversely affecting care provided to the remaining children in the group child care home or facility.
  - 6. The number of children in each age category is multiplied by the corresponding ratio number, converted to decimal form, and carried to the nearest hundredth. To determine the number of caregivers necessary at any given time, numbers of caregivers for all age categories are added, and any fractional caregiver count is then rounded to the next highest whole number whenever the fractional caregiver count amounts to thirty-five hundredths or more. If lower than thirty-five hundredths, the fractional amount is dropped.
  - 7. Children using the licensed facility for a McGruff safe house, a block house, or a certified safe house program during an emergency shall not be counted under this section.

**History:** Effective December 1, 1981; amended effective July 1, 1984; January 1, 1987; January 1, 1989; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-02, 50-11.1-02.1



**75-03-09-10. Minimum qualifications of group child care supervisor.**

1. A group child care supervisor must be an adult of good mental and physical health, capable of mature judgment, and shall possess knowledge and experience in management and interpersonal relationships.
2. The supervisor shall meet at least one of the following qualifications, in addition to those set out in subsection 1:
  - a. A bachelor's degree in the field of early childhood education;
  - b. A bachelor's degree with at least twelve semester hours or fifteen quarter hours in child development, child psychology, or fields directly related thereto;
  - c. An associate of arts degree in the field of early childhood development;
  - d. Certification as a child development associate or similar status where such a local, state, or federal certification program exists;
  - e. Certification from a Montessori teacher training program;
  - f. At least one year of exclusive experience as a registered or licensed child care provider with positive references from at least two parents whose children were in the provider's care;
  - g. A high school degree or equivalency with certification of completion in a secondary occupational child care program and at least one year of exclusive experience working with young children, with references from at least two individuals who either had their children in the provider's care or instructed the provider in child care programming;
  - h. A minimum of one year of exclusive experience providing care to three or more preschool age children, with positive references from at least two parents whose children were in the provider's care; or
  - i. Qualification under regulations in force and effect for group child care supervisors prior to July 1, 1981.
3. The group child care supervisor shall:
  - a. Have current certification in basic cardiopulmonary resuscitation by the American heart association, American red cross, or other similar cardiopulmonary resuscitation programs approved by the department; and

- b. Be certified or trained in a department-approved program to provide first aid.
4. The group child care supervisor shall certify attendance at a minimum of ten hours of county-approved training related to child care annually. The ten hours of training in the first year following initial licensure must include a six-hour course in basic child care training.
5. The group child care supervisor must be physically present in the home or facility no less than sixty percent of the time when children are in care.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04

**75-03-09-11. Duties of group child care supervisor.** The supervisor shall, coextensive with the group child care operator:

1. Be responsible for planning, supervision, and activity; and
2. Ensure that caregivers and children under the age of eighteen shall have adult supervision in the group child care home or facility at all times.

**History:** Effective December 1, 1981; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04

**75-03-09-12. Minimum qualifications for all caregivers.** Caregivers shall:

1. Be at least fourteen years of age, provided that each such individual under age sixteen provides written parental consent for such employment, and the employment arrangements comply with North Dakota Century Code chapter 34-07. A member of the immediate family of the group child care provider may provide care if such member is at least twelve years of age.
2. Be mentally, physically, and emotionally able to provide adequate care for the children under supervision.
3. Receive orientation related to child care, emergency procedures, special needs of children in care, and program activities during the first week of caregiving.
4. At no time place a child in an environment that would be harmful or dangerous to a child's physical or emotional health.

5. Certify attendance at county-approved training related to child care annually.
  - a. A caregiver working thirty to forty hours per week shall certify a minimum of eight hours of county-approved training annually.
  - b. A caregiver working twenty to thirty hours per week shall certify a minimum of six hours of county-approved training annually.
  - c. A caregiver working ten to twenty hours per week shall certify a minimum of four hours of county-approved training annually.
  - d. A caregiver working less than ten hours per week shall certify a minimum of two hoursx of county-approved training annually.
  - e. An emergency backup care worker is exempt from county-approved annual training.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04

#### **75-03-09-13. Minimum health requirements for all staff.**

1. Each operator or caregiver shall complete a health self-certification form certifying that the operator or caregiver does not have health problems that would interfere with his or her functioning as a caregiver or that would be detrimental to the health of the children or other staff. If the operator adds or replaces a caregiver after the licensure process is complete, the operator shall submit a self-certification form completed by the new caregiver to the county agency within five working days of the caregiver's first workday.
2. Each operator or caregiver shall furnish documentation of a negative Mantoux tuberculosis test prior to initial licensure or employment, and every two years thereafter. If the group child care operator adds or replaces a caregiver after the licensure process is complete, the caregiver shall furnish documentation of a negative Mantoux tuberculosis test before the first day of employment. Substitute staff are exempted from this requirement. A group child care operator who uses an untested emergency designee may not be found in violation of this provision.
3. If the physical or mental health of an operator or a caregiver appears questionable, the department may require the individual to be evaluated by appropriate professionals, with the results provided to the

department. The department is not responsible for the costs of any required evaluation.

4. While children are in care, staff members shall not use or be under the influence of any alcohol or judgment-altering drugs.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04

#### **75-03-09-14. Minimum requirements for facility.**

1. The group child care home or facility must be properly lighted. If the lighting of the home or facility appears questionable, the department or county agency may require the operator to obtain additional lights so that a minimum of fifty foot-candles of light is used in the areas generally used for children's activities.
2. Safe and comfortable arrangements for naps for enrolled children must be provided.
  - a. The floor may be used only when carpeted or padded, warm, free from drafts, and when each child has an individual blanket or sleeping mat.
  - b. There must be a minimum space of two feet [58.42 centimeters] between each crib or cot. Aisles between cots and cribs must be kept free of all obstructions while they are occupied.
  - c. There must be a room available, separate from the nap room, where an individual child can go for supervised play if the child is unable to nap, so as not to disrupt the other children's rest.
  - d. A child who is in care between the hours of eight p.m. and six a.m. shall have an individual sleeping place.
  - e. Any child under twelve months of age or unable to walk unassisted must be provided sleeping space in a crib with a firm mattress or a playpen with adequate padding.
  - f. A staff member may not place a child on a waterbed unless the child has attained both a developmental and chronological age of thirty-six months.
3. Water supply:

- a. The group child care home or facility must have a drinking supply from a community water system or from a source tested and approved by the state department of health.
  - b. The group child care home or facility must have hot and cold running water. Hot water heaters must be turned down or there must be a tempering valve or antiscalding device on the faucets used by children so that the temperature of hot water supplied to lavatories and bathing facilities does not exceed one hundred twenty degrees Fahrenheit [49.2 degreesCelsius].
4. Toilet and lavatory facilities:
- a. Toilet and lavatory facilities must be provided and must be convenient to the areas used by the children and staff.
  - b. Toilets must be located in rooms separate from those used for cooking, eating, and sleeping. A minimum of one lavatory and one flush toilet must be provided for each fifteen children, excluding those children who are not toilet trained. Two toilets must be provided for each sixteen to eighteen children, excluding those children who are not toilet trained.
  - c. Child-sized toilet adapters, training chairs, or potty chairs must be provided for use by children who require them. Training chairs must be emptied promptly and thoroughly cleaned and sanitized after each use.
  - d. At least one handwashing lavatory must be provided per toilet room facility or diapering area. Sanitary hand-drying equipment, individual cloth, or paper towels must be provided near handwashing lavatories.
  - e. Safe step stools must be provided to allow standard-size toilets and lavatories to be used by the children or child-size toilets and lavatories must be provided.
5. Sewage and wastewater disposal:
- a. Any group child care home or facility not on a municipal or public water supply or wastewater disposal system shall have its sewage and wastewater system approved by the state department of health.

- b. The group child care home or facility shall meet the requirements of the state plumbing code, North Dakota Administrative Code article 62-03.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01,50-11.1-04

#### **75-03-09-15. Minimum standards for provision of transportation.**

1. Within ninety days of the date of initial licensure or relicensure, the operator shall establish a written policy governing the transportation of children to and from the group child care home or facility, if the group child care home or facility provides transportation. This policy must specify who is to provide transportation and how parental permission is to be obtained for activities which occur outside the group child care home or facility. If the group child care home or facility provides transportation, the operator shall inform the parents of any insurance coverage on the vehicles. Any vehicle used for transporting children must be in safe operating condition and in compliance with state and local laws.
2. When transportation is provided by a group child care home or facility, children must be protected by adequate staff supervision, safety precautions, and liability and medical insurance.
  - a. Child and staff ratios must be maintained to assure the safety of children while being transported.
  - b. A child may not be left unattended in a vehicle.
3. Children must be instructed in safe transportation conduct as appropriate to their age and stage of development.
4. The driver shall comply with all relevant state and local laws.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01,50-11.1-04

#### **75-03-09-16. Minimum emergency evacuation and disaster plan.**

1. Each group child care home or facility shall, within ninety days of the date of initial licensure or relicensure, establish and post an emergency

disaster plan for the safety of the children in care. Written disaster plans must be developed in cooperation with the authorities.

2. Fire evacuation drills must be performed in accordance with the local fire department's guidelines.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

#### **75-03-09-17. Fire inspections.**

1. Annual fire inspections must be completed by local or state fire authorities on all facilities in which care is provided to seven or more children who are not members of the immediate family of the group child care operator and upon facilities providing for any number of children in homes which are manufactured or mobile homes, in apartment buildings, homes in which care is provided to children in basements, and in homes that have alternative heating devices, such as wood burning stoves, propane heaters, or fireplaces. The operator shall have corrected any code violations noted by the fire inspector and shall file reports of the inspections with the county licensing agency.
2. The group child care home or facility shall provide:
  - a. The local fire inspector's written statement of compliance with the local fire code, if there is one;
  - b. The local fire inspector's written statement that the group child care home or facility has been inspected and that the inspector is satisfied that the facility meets minimum fire and safety standards; or
  - c. A written statement from an appropriate fire official that the group child care home or facility meets the minimum fire and safety standards adopted by the state fire marshal.
3. The group child care home or facility shall be equipped with sufficient smoke detectors and fire extinguishers, as recommended by the local fire department.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04, 50-11.1-07, 50-11.1-08

### **75-03-09-18. Minimum sanitation and safety requirements.**

1. In facilities other than an occupied private residence with license capabilities of thirteen to eighteen children and where meals are prepared, the state department of health shall conduct an annual inspection. If only snacks or occasional cooking projects are prepared, a state department of health inspection is not required.
2. Group child care home or facility bathroom lavatories, toilets, tables, chairs, and floors must be cleaned daily. Cots and mats, if used, must be maintained in a clean, sanitary condition.
3. The group child care home or facility's building, grounds, and equipment must be located, cleaned, and maintained to protect the health and safety of children. Routine maintenance and cleaning procedures must be established to protect the health of the children and the caregivers.
4. Caregivers shall wash their hands before preparing or serving meals, after nose wiping, after diapering, after using toilet facilities, and after any other procedure that may involve contact with bodily fluids. Hand soap and towels must be available at each lavatory. Clean towels must be provided daily.
5. Indoor and outdoor equipment, toys, and supplies must be safe, strong, nontoxic, and in good repair. All toys must be easily cleanable and must be cleaned and sanitized on a routine basis.
6. The group child care home or facility's ground areas must be free from accumulations of refuse, standing water, unprotected wells, debris, flammable material, and other health and safety hazards.
7. Garbage must be kept away from areas used by children and kept in containers with tight lids, made of noncombustible materials. Open burning is not permitted.
8. Exterior play areas in close proximity to busy streets and other unsafe areas must be contained, fenced, or have natural barriers to restrict children from those unsafe areas.
9. Potential hazards, including guns, household cleaning chemicals, uninsulated wires, medicines, poisonous plants, and open stairways may not be accessible to young children. Guns must be kept in locked storage, separate from ammunition, or trigger locks must be used. Ammunition must be kept in locked storage separate from all firearms.
10. Indoor floors and steps may not be slippery or have splinters. Steps and walkways must be kept free from accumulations of water, ice, snow, or debris.



11. Elevated areas, such as stairs or porches, must have railings and safety gates where necessary to prevent falls.
12. The group child care operator shall take steps to keep the group child care home or facility free of insects and rodents. Chemicals for insect and rodent control may not be applied in areas accessible to children when children are present in the group child care home or facility.
13. Exit doorways and pathways may not be blocked.
14. Light bulbs in areas used by children must be properly shielded or shatterproof.
15. Combustible materials must be kept away from light bulbs and other heat sources.
16. There must be adequate heating, ventilation, humidity, and lighting for the comfort and protection of the health of the children.
17. All group child care buildings erected before January 1, 1970, which contain painted surfaces in a peeling, flaking, chipped, or chewed condition in any area where children may be present, must have these surfaces repainted or must submit evidence that the surfaces do not contain hazardous levels of lead-bearing substances. For the purposes of this chapter, "hazardous levels of lead-bearing substances" means any paint, varnish, lacquer, putty, plaster, or similar coating of structural material which contains lead or its compounds in excess of seven-tenths of one milligram per square centimeter, or in excess of five-tenths of one percent in the dried film or coating, when measured by a lead-detecting instrument approved by the state department of health.
18. Personal items including combs, pacifiers, and toothbrushes must be individually identified and stored in a sanitary manner.
19. All pets present in the group child care home or facility must be properly immunized. Nondomestic animals such as skunks, opossum, or raccoon, whether or not regarded as pets, may not be present in the group child care home or facility. Pets may not be allowed in the kitchen or eating area during meal preparation or meals.
20. Wading pools used by the group child care home or facility must be strictly supervised and must be emptied and cleaned daily.
21. All swimming pools must be approved by the local health unit.

22. Smoking is not permitted in any group child care home or facility at any time during which a child who receives early childhood services from that group child care home or facility is present and receiving services.

**History:** Effective December 1, 1981; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-02.2, 50-11.1-04

#### **75-03-09-19. Minimum requirements regarding space.**

1. Each group child care home or facility shall provide adequate space for all children in attendance.
2. The group child care home or facility shall provide adequate space, indoors and out, for the daily activities of the children. This must include a minimum of thirty-five square feet [3.25 square meters] of space per child indoors and a minimum of seventy-five square feet [6.97 square meters] of play space per child outdoors. Indoor space considered must exclude bathrooms, pantries, passageways leading to outdoor exits, and space children are not permitted to occupy. If available outdoor play space does not accommodate the licensed capacity of the home or facility at one time, the operator shall prepare a written schedule of outdoor playtime which limits use of the play area to its capacity, giving every child an opportunity to play outdoors.

**History:** Effective December 1, 1981; amended effective January 1, 1987; September 1, 1990; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

#### **75-03-09-20. Program requirements.**

1. The group child care home or facility operator shall have a program of daily individual or small group activities appropriate to the ages and needs of the children in the group child care home or facility. The program must include activities which foster sound social, intellectual, emotional, and physical growth, and be developed with consideration of parental input.
2. The program must be designed with intervals of stimulation and relaxation, and a balance between periods of active play and quiet play or rest. The daily routine must be written, but subject to change. The daily routine must foster the development of good health habits and self-discipline, adequate indoor and outdoor play, rest, and sleep, with sufficient time and opportunities for various experiences.

3. The program must provide a variety of educational experiences for all ages of children served with an adequate supply of safe play equipment, toys, and materials for indoor and outdoor activity. Each home or facility shall have enough play materials and equipment so that, at any one time, each child in attendance may be individually involved.
4. Areas used for napping must provide an opportunity for undisturbed rest. Napping schedules must be set for children according to the children's ages, needs, and the parent's wishes.
5. At the time of enrollment, the group child care supervisor shall meet with the parents to discuss the children's habits, activities, and schedules while at home and in school and the parent's special concern about the children's past and future behavior and development. The schedule and activities must be designed to complement and supplement the children's experiences at home or in school.x
6. The group child care supervisor shall contact parents to exchange information concerning the child and any concerns about the health, development, or behavior of the child. These concerns must be communicated to parents promptly and directly.
7. Personal hygiene practices appropriate for a child's age and development must be stressed.
8. Each child's cultural and ethnic background and primary language or dialect must be respected by the caregivers.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

#### **75-03-09-21. Minimum standards for food and nutrition.**

1. When the operator is responsible for providing food to children, the food supplied must meet United States department of agriculture standards and must be properly prepared, sufficient in amount, varied according to diets of the children enrolled, and served at appropriate hours.
2. When parents bring sack lunches for their children, the operator may supplement lunches to provide nutritious and sufficient amounts of food for children, and shall provide adequate and appropriate refrigeration and storage as required.
3. Children shall be served a nutritious morning and afternoon snack, and, if the parent does not provide a sack lunch, a nourishing meal.

- a. Children in care for more than three hours shall receive either a snack or meal, whichever is appropriate to that time of day.
  - b. Children in care during any normal mealtime hour shall be served food appropriate to that time of day.
  - c. Children in care after school who have not had any food since lunch shall be provided with a snack.
4. When the operator is responsible for providing food to children, menus must be prepared on a weekly basis and made available to the parents, the department, or other appropriate individuals.
5. Information provided by the children's parents as to their eating habits, food preferences, or special needs must be considered in the feeding schedules and in the tailoring of menus.
6. Children shall be served in a manner commensurate with their age, using appropriate foods, portions, dishes, and eating utensils.
7. Children may be encouraged to eat the food served, but may not be subjected to coercion or force-feeding.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

#### **75-03-09-22. Records.**

1. The group child care home or facility shall maintain the following records:
  - a. The child's full name, birthdate, and current home address;
  - b. Names of the child's parents or legal guardian, and the business and home telephone numbers where those individuals may be reached;
  - c. Names and telephone numbers of individuals who may assume responsibility for the child if the individual legally responsible for the child may not be reached immediately in an emergency;
  - d. A written statement from the parents or legal guardian authorizing emergency medical care;
  - e. Names and telephone numbers of individuals authorized to take the child from the group child care home or facility;

- f. Verification that the child has received all immunizations appropriate for the child's age, as prescribed by the state department of health, unless the child is a drop-in or school aged; and
  - 9. A current health assessment or a health assessment statement completed by the parent, obtained at the time of initial enrollment of the child, that must indicate any special precautions for diet, medication, or activity, must serve as evidence that a child is physically able to take part in the child care program, and must be completed annually.
2. All records maintained with respect to children receiving child care services must be kept confidential, and access must be limited to staff members, the parents, or legal guardian of each child, and to the following unless protected by law:
- a. Authorized county agency and department representatives;
  - b. Individuals having a definite interest in the well-being of the children concerned and who, in the judgment of the department, are in a position to serve the children's interests should that be necessary; and
  - c. Individuals who possess a written authorization from the child's parent or legal guardian. The group child care home or facility shall have a release of information form available and shall have the form signed prior to the release of information.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04, 50-11.1-07

**75-03-09-23. Discipline - Punishment prohibited.** Disregard of any of the following disciplinary rules is grounds for denial or revocation.

- 1. The group child care home or facility must, within ninety days of the date of initial licensure or relicensure have a written policy regarding the discipline of children that must be interpreted to staff members before the group child care home or facility begins operation or before staff members begin working with children.
- 2. Discipline must be constructive or educational in nature and may include diversion, separation from the problem situation, talking with the child about the situation, praise for appropriate behavior, and gentle physical restraint, such as holding. Children may not be subjected to physical harm, fear, or humiliation.

3. Authority to discipline may not be delegated to or be accomplished by children.
4. Separation, when used as discipline, must be brief and appropriate to the child's age and circumstances. Any child must be in a safe, lighted, well-ventilated room within hearing of an adult. A child may not be isolated in a locked room or closet.
5. A child may not be physically punished for lapses in toilet training.
6. When addressing a child, or while in the presence of a child, staff members may not make derogatory remarks about the child, the child's family, race, or religion nor use profane, threatening, unduly loud, or otherwise abusive language.
7. A child may not be force-fed, unless medically prescribed and administered under a physician's care.
8. Deprivation of meals may not be used as a form of discipline or punishment.
9. A child may not be punched, spanked, shaken, pinched, bitten, roughly handled, or struck by any staff member or any other adult in the facility.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-08

**75-03-09-24. Specialized types of care and minimum requirements therefor.**

**1. Infant care.**

- a. A group child care home or facility serving children from birth to twenty-four months shall provide an environment which protects the children from physical harm and is not so restricted as to inhibit physical, intellectual, emotional, and social development.
- b. Nonwalking children shall have the opportunity during each day for freedom of movement, including creeping or crawling in a safe, clean, open, and uncluttered area.
- c. Each infant shall have an individual sleeping space. The sheets must be changed whenever they become soiled or wet. If individual protective coverings are used for each child to protect linens, the protective coverings must be laundered at least weekly.

- d. Children must be taken outdoors or to other areas within the group child care home or facility for a part of each day to provide some change of physical surroundings and to be with other children. A child may not be confined to a crib or playpen during the entire time at the group child care home or facility, unless the child is preparing to sleep or sleeping for the duration of the care.
- e. Each infant shall have periodic individual personal contact and attention from an adult, such as being held, rocked, talked to, or sung to.
- f. Low chairs and tables or infant seats with trays must be provided for table play and mealtime for children no longer being held for feeding. Highchairs, if used, must have a wide base and a safety strap.
- g. Children may not be shaken or jostled.
- h. All cries of infants must be investigated.
- i. Infants must be fed or supervised individually and the diet and pattern of feeding must be appropriate to the individual developmental needs and parent's wishes.
- j. Infants must be provided age-appropriate nutritious foods. Only breast milk or iron-fortified artificial milk, meeting the requirements of the Infant Formula Act of 1980 [Pub. L. 96-359; 94 Stat. 1190; 21 U.S.C. 301 note et seq.], may be fed to infants less than six months of age, unless otherwise instructed by the infant's parent.
- k. Infants must be fed only the specific brand of artificial baby milk requested by the parent. Staff members shall use brand-specific mixing instructions unless alternative mixing instructions, based upon directions of a child's physician, are provided.
- l. Mixed formula, in single bottles or batches, that has been unrefrigerated more than one hour, must be discarded.
- m. Frozen breast milk must be thawed under cool running tap water, in amounts needed. Unused, thawed breast milk must be discarded at the end of each day.
- n. An infant may not be fed by propping a bottle.
- o. Cereal and other nonliquids or suspensions may only be fed to an infant through a bottle on the written orders of the child's physician.

- p. Staff members may not leave an infant unattended during the infant's feeding or eating process.
- q. There must be a designated cleanable diapering area in the group child care home or facility if children requiring diapering are in care. Diapers must be changed promptly when needed and in a sanitary manner. Infants must be changed on a cleanable surface area which must be thoroughly cleaned with detergent and sanitized after each diapering.
- r. Soiled or wet disposable diapers must be stored in a sanitary, airtight container until removed from the group child care home or facility.

## 2. **Night care.**

- a. Any group child care home or facility offering night care shall provide program modifications for the special needs of children and their parents during the night.
- b. In consultation with parents, special attention must be given by the caregiver to provide a transition into this type of care appropriate to the child's emotional needs.
- c. When practical, children must be left for care and picked up before and after their normal sleeping period to ensure minimal disturbance of the child during sleep, but consideration must be given to the parent's work schedule.
- d. Preschool age children must be supervised when bathing.
- e. Comfortable beds, cots, or cribs, complete with a mattress or pad, must be available.
  - (1) Pillows and mattresses must have clean coverings.
  - (2) Sheets and pillowcases must be changed as often as necessary for cleanliness and hygiene, at least weekly.
  - (3) If beds are used by different children, sheets and pillowcases must be laundered before use by other children.
  - (4) Each bed or cot must have sufficient blankets available.
- f. The child care home or facility shall require each child in night care to have night clothing and a toothbrush marked for identification.



9. For group facilities not operating out of an occupied private residence, the staff must be awake and within listening distance during sleeping hours in order to provide for the needs of children and respond to an emergency. This provision does not apply to group homes.

**3. Drop-in group child care homes or facilities.**

- a. If a group child care home or facility serves drop-in children, schoolchildren, or before-school and after-school children, the group child care home or facility must be sufficiently staffed to effectively handle admission records and explain the policies and procedures of the program.
- b. The program must reflect the special needs of the children who are provided drop-in service.
- c. Admission records secured must comply with all enrollment requirements contained in section 75-03-09-22, except the immunization record requirement.
- d. Admittance procedures must provide for a period of individual attention for the child in order to acquaint the child with the group child care home or facility, its equipment, and the staff.
- e. A group child care home or facility may not receive drop-in or part-time children who, when added to the children in regular attendance, cause the group child care home or facility to exceed the total number of children for which the group child care home or facility is licensed.

**History:** Effective December 1, 1981; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

**75-03-09-25. Minimum requirements for care of children with special needs.** When children with special needs are admitted, there must be appropriate provisions to meet those needs.

1. When children with special needs are admitted, the group child care supervisor shall consult with the child's parents, and with the parent's permission, the child's source of professional health care, or, when appropriate, other health and professional consultants.
2. Caregivers shall receive proper instructions as to the nature of the child's disability and potential for growth and development.

3. If the nature of the special needs or the number of children with special needs warrants added care, the group child care home or facility shall add sufficient staff and equipment as deemed necessary by the department to compensate for these needs.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

**75-03-09-26. Minimum provisions regarding emergency care for children.** Within ninety days of the date of initial licensure or relicensure, the group child care home or facility shall have written plans to respond to illness and emergencies, including burns, serious injury, and ingestion of poison. Parents of enrollees must be advised of these plans. Plans must provide for:

1. The accessible posting of emergency response procedures.
2. The establishment of emergency response procedures.
3. The availability of at least one working flashlight.
4. At least one state department of health-approved first-aid kit maintained and kept in a designated location, inaccessible to children, yet readily accessible to caregivers.
5. A working telephone line immediately accessible to the caregivers with a list of emergency telephone numbers accessibly posted adjacent to the telephone.
6. Response to minor illnesses when children are cared for in the group child care home or facility and available medical consultation regarding special care and medication.
7. Written permission to dispense medication and proper instructions for the administration of medication obtained from the parent, if a child in the group child care home or facility requires medication.
  - a. Medications prescribed by a physician must be accompanied by the physician's written instructions as to dosage and storage, and labeled with the child's name and dated.
  - b. Medications must be stored in an area inaccessible to children, and medications stored in a refrigerator must be stored collectively in a spillproof container.
  - c. A written record of the administration of medication, including over-the-counter medication, to each child must be kept. Records

must include the date and time of each administration, the dosage, the name of the staff member administering the medication, and the name of the child. Completed medication records must be included in the child's record. For purposes of this subdivision, "medication" is defined as any drug or remedy which is taken or applied internally, orally, or topically.

8. The designation of a supervised temporary isolation area for a child who is too ill to remain in the group or who has an infectious or contagious disease, with the following procedures being followed when those signs or symptoms are observed:
  - a. Parents are notified immediately and asked to pick up their child; and
  - b. First aid is provided and medical care is sought, as necessary.
9. Provisions for emergency transportation, specifically that when a child is brought to another place for emergency care, the child is accompanied by an adult who remains with the child until medical personnel assume responsibility for the child's care and until the parent or legal guardian arrives.
10. Practices in which children with infectious or communicable conditions are excluded from the group child care home or facility until the condition may no longer be transmitted. Guidance regarding exclusion and return to the group child care home or facility shall be obtained through consultation with local or state health department authorities directly or through current published materials regarding exclusion and return to the group child care home or facility.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-07, 50-11.1-07.2, 50-11.1-08

#### **75-03-09-27. Effect of conviction on licensure and employment.**

1. A group child care home or facility operator may not be, and a group child care home or facility may not employ, in any capacity that involves or permits contact between the employee and any child cared for by the group child care home or facility, an individual who has been found guilty of, pled guilty to, or pled no contest to:
  - a. An offense described in North Dakota Century Code chapters 12.1-16, homicide; 12.1-17, assaults - threats - coercion; or 12.1-18, kidnapping; North Dakota Century Code sections 12.1-20-03, gross sexual imposition; 12.1-20-04, sexual

imposition; 12.1-20-05, corruption or solicitation of minors; 12.1-20-06, sexual abuse of wards; 12.1-20-07, sexual assault; 12.1-22-01, robbery; or 12.1-22-02, burglary, if a class B felony under subdivision b of subsection 2 of that section; North Dakota Century Code chapter 12.1-27.2, sexual performances by children; or North Dakota Century Code sections 12.1-29-01, promoting prostitution; 12.1-29-02, facilitating prostitution; or 12.1-31-05, child procurement; or an offense under the laws of another jurisdiction which requires proof of substantially similar elements as required for conviction under any of the enumerated North Dakota statutes; or

- b. An offense, other than an offense identified in subdivision a, if the department in the case of a group child care home or facility operator, or the group child care home or facility operator in the case of an employee, determines that the individual has not been sufficiently rehabilitated.
2. Within ninety days of the date of initial licensure or relicensure, the group child care home or facility shall establish written policies and engage in practices that conform to those policies to effectively implement this section.
3. For purposes of subdivision b of subsection 1, the department in the case of a group child care home or facility operator, or the group child care home or facility operator in the case of an employee, shall treat completion of a period of five years after final discharge from any term of probation, parole, or other form of community correction, or imprisonment, without subsequent conviction, as prima facie evidence of sufficient rehabilitation.
4. The department has determined that the offenses enumerated in subdivision a of subsection 1 have a direct bearing upon an individual's ability to serve the public in a capacity involving the provision of child care services.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-03, 50-11.1-04

**75-03-09-28. Child abuse and neglect determinations.** If a probable cause determination or a decision that services are required under North Dakota Century Code chapter 50-25.1 exists, indicating that any child has been abused or neglected by a staff member, that individual shall furnish information satisfactory to the department, from which the department may determine the staff member's current ability to provide care free of abuse and neglect. The determination of current ability must be furnished to the group child care operator and to the

regional director of the human service center or the regional director's designee for consideration and action on the group child care license.

**History:** Effective December 1, 1981; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-04, 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04, 50-11.1-08, 50-11.1-09

**75-03-09-29. Allowable time periods for correction of deficiencies.**

1. Deficiencies noted in a correction order must be corrected:
  - a. For a violation of section 75-03-09-09, section 75-03-09-23, and subsections 6 and 10 of section 75-03-09-18, within twenty-four hours;
  - b. For a violation or deficiency requiring the hiring of a group child care supervisor with those qualifications set forth in section 75-03-09-11, within sixty days;
  - c. For a deficiency that requires an inspection by a state fire marshal or local fire department authority pursuant to section 75-03-09-17, within sixty days;
  - d. For a deficiency that requires substantial building remodeling, construction, or change, within sixty days; and
  - e. For all other deficiencies, within twenty days.
2. All periods for correction begin on the date of receipt of the correction order by the licensee.
3. The regional supervisor of early childhood program licensing may grant an extension of additional time to correct deficiencies up to a period of one-half the original allowable time allotted. An extension may be granted upon application by the licensee and a showing that the need for the extension is created by unforeseeable circumstances and the licensee has diligently pursued the correction of the deficiency.
4. The operator shall furnish written notice of completion of the correction order action to the county agency. The correction order is effective until the county agency receives the notice.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-07.2

### **75-03-09-30. Fiscal sanctions.**

1. A fiscal sanction of twenty-five dollars per day must be assessed for each violation of subdivision g of subsection 1 of section 75-03-09-08, subsection 2 of section 75-03-09-09, section 75-03-09-17, subsections 7, 10, and 14 of section 75-03-09-18, section 75-03-09-19, and section 75-03-09-23, for each day after the allowable time for correction of deficiencies ends, that the group child care home or facility has not verified correction.
2. A fiscal sanction of fifteen dollars per day must be assessed for each violation of subsection 2 of section 75-03-09-10, section 75-03-09-12, subsection 2 and subdivisions b and d of subsection 4 of section 75-03-09-14, section 75-03-09-15, subsections 3, 5, 8, 9, and 12 of section 75-03-09-18, subsections 2 and 4 of section 75-03-09-20, subsection 1 of section 75-03-09-21, and subsections 1 and 3 of section 75-03-09-24, for each day, after the allowable time for correction of deficiencies ends, that the group child care home or facility has not verified correction.
3. A fiscal sanction of five dollars per day must be assessed for each violation of any other provision of this chapter for each day after the allowable time for correction of deficiencies ends, that the group child care home or facility has not verified correction.

**History:** Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04

**75-03-09-31. Appeals.** An applicant or provider may appeal a decision to deny or revoke a license by filing a written appeal with the department within ten days of receipt of written notice of such a decision. Upon receipt of a timely appeal, an administrative hearing may be conducted in the manner provided in chapter 75-01-03.

**History:** Effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04